

**AN ORDINANCE  
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO CREATE THE DELMONTE TOWNHOMES HOUSING  
ENTERPRISE ZONE AND FOR OTHER PURPOSES**

**WHEREAS**, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS**, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS**, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for commercial purposes if certain conditions are met; and

**WHEREAS**, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

**WHEREAS**, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

**WHEREAS**, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

**WHEREAS**, the city of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

**WHEREAS**, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

**WHEREAS**, the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the Delmonte Townhomes Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the Delmonte Townhomes area is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the Delmonte Townhomes area are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place



priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

**Section 2:** The Delmonte Townhomes Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Delmonte Townhomes Housing Enterprise Zone shall be abolished on December 31, 2011. The Delmonte Townhomes Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Delmonte Townhomes Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3:** Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

**Section 4:** The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the Delmonte Townhomes Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

**Section 5:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.



**PROPOSED DELMONTE TOWNHOMES  
HOUSING ENTERPRISE ZONE  
LEGAL DESCRIPTION**



Deed Book 29280 p. 538  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

1A &

ALL THAT TRACT and parcel of land lying and being in Land Lot 245 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:  
BEGINNING AT A POINT located at the northeasterly land lot corner of Land Lot No. 245; running thence in a westerly direction and along the northerly land lot line of Land Lot No. 245 (same being the southerly land lot line of Land Lot No. 244) a distance of 301.9 feet to a point marked by an iron pin located on the easterly side of Brownlee Road; running thence in a southwesterly direction and along the easterly side of Brownlee Road, and forming an interior angle of 108 degrees 32 minutes with the last preceding call, a distance of 396.4 feet to a point marked by an iron pin; running thence in an easterly direction and forming an interior angle with the last preceding call of 74 degrees 46 minutes a distance of 65.7 feet to a point; running thence in an easterly direction and forming an interior angle with the last preceding call of 188 degrees 14 minutes a distance of 99.2 feet to a point; continuing thence in an easterly direction a distance of 254.6 feet to a point marked by an iron pin located on the easterly land lot line of Land Lot No. 245 (said point being 100.0 feet northerly of the intersection of the easterly land lot line of Land Lot No. 245 and the northerly side of Scott Street, as measured along the easterly land lot line of Land Lot No. 245); running thence in a northerly direction and along the easterly land lot line of Land Lot No. 245 a distance of 451.6 feet to a point located at the northeasterly land lot corner of Land Lot No. 245, same being the point of beginning; being known as 330 Brownlee Road S.W. according to the current system of numbering in the City of Atlanta.



**Large  
document  
attached**